

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

LANDON FRANK BROWN,	)	
Petitioner,	)	Civil Action No. 7:16cv00454
	)	
v.	)	
	)	By: Elizabeth K. Dillon
COMMONWEALTH OF VIRGINIA,	)	United States District Judge
Respondent.	)	

**ORDER**

In accordance with the memorandum opinion entered this day, it is hereby ORDERED that Brown's 28 U.S.C. § 2254 petition is DISMISSED without prejudice and this action is STRICKEN from the active docket of the court.

Further, finding that Brown has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is DENIED.

The Clerk is directed to send copies of this order and accompanying memorandum opinion to the petitioner.

Entered: October 3, 2016.

*/s/ Elizabeth K. Dillon*  
Elizabeth K. Dillon  
United States District Judge